

APPENDIX D

The Executive Orders (In chronological order)

1. Executive Order No. 8629, dated January 7, 1941,
6 Fed. Reg. 191, pertinent provisions.

"ESTABLISHING THE OFFICE OF PRODUCTION MANAGEMENT IN
THE EXECUTIVE OFFICE OF THE PRESIDENT AND DE-
FINING ITS FUNCTIONS AND DUTIES.

"1. There shall be in the Office for Emergency Manage-
ment of the Executive Office of the President, an Office
of Production Management which shall consist of (1) a
Director General, and (2) an Associate Director General,
each to be appointed by the President, (3) The Secretary
of War, and (4) the Secretary of the Navy.

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"2. With such advice and assistance as it may require
from other departments and agencies of the Federal Gov-
ernment, and subject to such regulations or directions as
the President may from time to time prescribe, and subject
further to the general policy that the Departments of War
and Navy and other departments and agencies of the Gov-
ernment will be utilized to the maximum extent compatible
with efficiency, the Office of Production Management shall:

a. Formulate and execute in the public interest all
measures needful and appropriate in order (1) to increase,
accelerate, and regulate the production and supply of mate-
rials, articles and equipment and the provision of emergency
plant facilities and services required for the national de-
fense, and (2) to insure effective coordination of those
activities of the several departments, corporations, and
other agencies of the Government which are directly con-
cerned therewith.

b. Survey, analyze, and summarize for purposes of co-
ordination the stated requirements of the War and Navy
and other departments and agencies of the Government,
and of foreign governments for materials, articles, and
equipment needed for defense.

c. Advise with respect to the plans and schedules of the various departments and agencies for the purchase of materials, articles, and equipment required for defense, to coordinate the placement of major defense orders and contracts and to keep informed of the progress of the various programs of production and supply.

d. Plan and take all lawful steps necessary to assure the provision of an adequate supply of raw materials essential to the production of finished products needed for defense.

e. Formulate plans for the mobilization for defense of the production facilities of the Nation, and to take all lawful action necessary to carry out such plans.

f. Determine the adequacy of existing production facilities and to assure their maximum use; and, when necessary, to stimulate and plan the creation of such additional facilities and sources of production and supply as may be essential to increase and expedite defense production.

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h. Perform the functions and exercise the authorities vested in the President by Section 9 of the Selective Training and Service Act of 1940.

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"5. There shall be within the Office of Production Management a Priorities Board composed of six members. A chairman and three other members shall be appointed or designated by the President; the Director General and Associate Director General shall be members, ex officio. The Priorities Board shall serve as an advisory body and from time to time as may be required by the Office of Production Management, shall make findings and submit recommendations with respect to the establishment of priorities, the placing of mandatory orders, the assignment of preference ratings, the allocation of deliveries, and other related matters. In making its findings and recommendations, the Priorities Board shall take into account general social and economic considerations and the effect the proposed actions would have upon the civilian population."

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2. Executive Order No. 8875, dated August 28, 1941, 6 Fed. Reg. 4483, pertinent provisions.

"DELEGATION AND COORDINATION OF PRIORITY AUTHORITY

"1. The Office of Production Management, in addition to the responsibilities and duties described in paragraph 2 of Executive Order No. 8629 of January 7, 1941, is authorized and directed to discharge and perform the following responsibilities and duties, subject to such policies or regulations as the Supply Priorities and Allocations Board, hereinafter described, may from time to time determine:

a. Serve as the coordinating center for the execution of the powers and activities of the several departments and agencies relating to priorities; in this connection, review, clear, and approve for execution all requests or proposals originating from other Federal agencies, private industry, or other sources for priority action with respect to the procurement, production, transmission, or transportation of materials, articles, power, fuel, and other commodities; issue or provide for the issuance of all priority orders, warrants, certificates, or ratings with respect to the supply, production, transmission, or transportation of materials, articles, power, fuel, and other commodities; and, with reference to specific priority authorities vested by law in established departments and agencies of the Government certify to such departments and agencies, when the Office of Production Management deems such action necessary to national defense, that preferential treatment is essential for certain materials, commodities, facilities, or services.

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"2. The Office of Production Management may exercise the powers, authorities, or discretion conferred upon it by this Order through such officials and in such manner as it may determine, subject to such policies or regulations as the Supply Priorities and Allocations Board may from time to time determine.

"3. In order to assure unity of policy and coordinated consideration of all relevant factors involved in the supply

and allocation of materials and commodities among the various phases of the defense program and competing civilian demands, there is hereby established within the office for Emergency Management a Supply Priorities and Allocations Board. The Board shall consist of the Director General and Associate Director General of the Office of Production Management, the Secretary of War, the Secretary of the Navy, the Special Assistant to the President supervising the defense aid program, the Administrator of the Office of Price Administration, and the Chairman of the Economic Defense Board. The Chairman of the Supply Priorities and Allocations Board shall be designated by the President from among the members of the Board. The President shall also appoint an Executive Director of the Board, who will preside in the absence of the Chairman.

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"5. Consistent with the basic defense policies of the President, the Supply Priorities and Allocations Board shall:

a. Determine the total requirements of materials and commodities needed respectively for defense, civilian, and all other purposes; establish policies for the fulfillment of such requirements, and, where necessary, make recommendations to the President relative thereto.

b. Determine policies and make regulations governing allocations and priorities with respect to the procurement, production, transmission, or transportation of materials, articles, power, fuel, and other commodities among military, economic defense, defense aid, civilian, and other major demands of the total defense program.

"6. The Office of Production Management through its Division of Priorities or any other of its divisions or subdivisions shall formulate general plans and programs providing for allocations and priorities with respect to the procurement, production, transmission, or transportation of materials, articles, power, fuel, and other commodities among military requirements, economic defense needs, total

civilian demands, defense aid needs, and other major elements of the total defense program. Such general plans and programs shall be submitted to the Supply Priorities and Allocations Board for approval or modification.

**3. Executive Order No. 8942, dated November 19, 1941,
6 Fed. Reg. 5909, pertinent provisions.**

**"PROVIDING FOR THE ADMINISTRATION OF THE REQUISITIONING
OF PROPERTY REQUIRED FOR NATIONAL DEFENSE.**

"By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly by the Act of October 10, 1940, entitled 'An Act to Authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes,' and the Act of October 16, 1941, entitled 'An Act to authorize the President of the United States to requisition property required for the defense of the United States' (hereinafter referred to as the Acts), and in order to provide for the effective administration of the requisitioning of property required for the defense of the United States, it is hereby ordered:

"1. The Office of Production Management, in addition to the responsibilities and duties described in Executive Order No. 8629 of January 7, 1941, and Executive Order No. 8875 of August 28, 1941, shall, except as may otherwise be provided hereinafter, exercise the powers and authorities conferred upon the President by the Acts.

"2. Whenever the Office of Production Management determines, in accordance with the provisions of the Acts, the necessity for requisitioning property, that Office may:

a. requisition and dispose of such property on its own account; or

b. provide for the requisitioning and disposition of such property through the Department of War, the Department of the Navy, or any other department or agency of

the Government authorized to engage in the procurement of property of the type subject to requisition under the Acts.

"3. Whenever requested by the Office of Production Management, any department or agency of the Government is hereby authorized to requisition and dispose of property in accordance with the provisions of the Acts and to make available to the Office of Production Management such personnel, including officers of the armed services, as may be necessary to enable that Office to carry out its functions under this Order. The United States Marshals also are hereby authorized and directed, when requested by, and in accordance with directions of the Office of Production Management or the head of any department or agency of the Government authorized to requisition property pursuant to this Order, to requisition and dispose of property.

"4. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Chairman of the United States Maritime Commission, the Executive Director of the Economic Defense Board, or the head of such other agency as the President may from time to time designate, may initiate action for the requisitioning of property by submitting proposals for the requisitioning and disposal of such property to the Office of Production Management, whenever he determines that:

a. such property is of the type which may be requisitioned under either of the Acts;

b. with respect to proposals for requisitioning property under the Act of October 16, 1941:

(1) the use of such property is needed for the defense of the United States,

(2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply,

(3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted,

(4) if the property to be requisitioned is machinery or equipment, such machinery or equipment is not in actual use in connection with any operating factory or business or is not necessary to the operation of such factory or business, and

(5) the property to be requisitioned is not a firearm possessed by an individual for his personal protection or sport, the possession of which is not prohibited by existing law;

c. with respect to proposals to requisition property under the Act of October 10, 1940, there exists a necessity for requisitioning the property in accordance with the provisions of section 1 of the Act.

The head of any department or agency acting pursuant to the provisions of this paragraph shall be authorized to requisition and dispose of such property, provided that the Office of Production Management determines that the proposed requisitioning and disposal of such property is consistent with the priorities and allocations program and the general production and supply plan of the Office of Production Management.

“5. The Office of Production Management or the head of any department or agency which requisitions property pursuant to this Order shall determine the amount of the fair and just compensation to be paid for any property requisitioned pursuant to the Acts, and the fair value of any property returned in accordance with section 2 of the Act of October 16, 1941.”

**4. Executive Order No. 9024, dated January 16, 1942,
7 Fed. Reg. 329, pertinent provisions.**

"ESTABLISHING THE WAR PRODUCTION BOARD IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES.

"1. There is established within the Office for Emergency Management of the Executive Office of the President a War Production Board, hereinafter referred to as the Board. The Board shall consist of a Chairman, to be appointed by the President, the Secretary of War, the Secretary of the Navy, the Federal Loan Administrator, the Director General and the Associate Director General of the Office of Production Management, the Administrator of the Office of Price Administration, the Chairman of the Board of Economic Warfare, and the Special Assistant to the President supervising the defense aid program.

"2. The Chairman of the War Production Board, with the advice and assistance of the members of the Board, shall:

a. Exercise general direction over the war procurement and production program.

b. Determine the policies, plans, procedures, and methods of the several Federal departments, establishments, and agencies in respect to war procurement and production, including purchasing, contracting, specifications, and construction; and including conversion, requisitioning, plant expansion, and the financing thereof; and issue such directives in respect thereto as he may deem necessary or appropriate.

c. Perform the functions and exercise the powers vested in the Supply Priorities and Allocations Board by Executive Order No. 8875 of August 28, 1941.

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"3. Federal departments, establishments, and agencies shall comply with the policies, plans, methods and procedures in respect to war procurement and production as

determined by the Chairman; and shall furnish to the Chairman such information relating to war procurement and production as he may deem necessary for the performance of his duties.

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"5: The Chairman may exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies and in such manner as he may determine; and his decisions shall be final.

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"7. The Supply Priorities and Allocations Board established by the Executive Order of August 28, 1941 is hereby abolished, and its personnel, records and property transferred to the Board. The Executive Orders No. 8629 of January 7, 1941, No. 8875 of August 28, 1941, No. 8891 of September 4, 1941, No. 8942 of November 19, 1941, No. 9001 of December 27, 1941 and No. 9023 of January 14, 1942 are hereby amended accordingly, and any provisions of these or other pertinent Executive Orders conflicting with this Order are hereby superseded."

5. Executive Order No. 9040, dated January 24, 1942, 7 Fed. Reg. 527, pertinent provisions.

**"DEFINING ADDITIONAL FUNCTIONS AND DUTIES OF THE
WAR PRODUCTION BOARD.**

"1. In addition to the responsibilities and duties described in paragraph 2 of Executive Order No. 9024 of January 16, 1942, the Chairman of the War Production Board, with the advice and assistance of the members of the Board, shall:

a. Perform the functions and exercise the powers heretofore vested in the Office of Production Management.

b. Perform the functions and exercise the powers vested in the Supply, Priorities and Allocations Board by Executive Order No. 8942 of November 19, 1941.

c. Perform the functions and exercise the authority vested in the President by Section 120 of the National Defense Act of 1916 (39 Stat. 213).

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"4. The Office of Production Management, established by Executive Order No. 8629 of January 7, 1941 is abolished and its personnel, records, property and funds are transferred to the War Production Board.

"5. Executive Order No. 8629 of January 7, 1941 is rescinded and Executive Order No. 9024 of January 16, 1942 and any other Executive Orders, the provisions of which are inconsistent with the provisions of this order, are amended accordingly."

6. Executive Order No. 9125, dated April 7, 1942, 7 Fed. Reg. 2719, pertinent provisions.

"DEFINING ADDITIONAL FUNCTIONS, DUTIES AND POWERS OF THE WAR PRODUCTION BOARD AND THE OFFICE OF PRICE ADMINISTRATION.

"1. In addition to the responsibilities and duties described in Executive Order No. 9024, of January 16, 1942, and in Executive Order No. 9040 of January 24, 1942, the Chairman of the War Production Board, with the advice and assistance of the members of the Board, shall perform the additional functions and duties, and exercise the additional powers, authority and discretion conferred upon the President of the United States by Title III of the Second War Powers Act 1942.

"2. The Chairman of the War Production Board may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this or any other order through such officials or agencies, including the Office of Price Administration (created by the Act of January 30, 1942, Pub. Law 421, 77th Cong., 2d Sess.), and in such manner as he may determine. In any and all such cases the decision of the Chairman of the War Production Board shall be final."

**7. Executive Order No. 9138, dated April 17, 1942,
7 Fed. Reg. 2919, pertinent provisions.**

**"PROVIDING FURTHER FOR THE ADMINISTRATION OF THE
REQUISITIONING OF PROPERTY REQUIRED FOR THE PROSE-
CUTION OF THE WAR.**

"1. In addition to the authority conferred upon the Chairman of the War Production Board and the heads of certain departments and agencies by Executive Order No. 8942 of November 19, 1941, and Executive Order No. 9040 of January 24, 1942, such officials shall exercise in the manner provided in such Executive orders the authority conferred by Title VI of the Second War Powers Act, 1942,¹ except that the determination described in paragraph 4 b (4) of Executive Order No. 8942 shall not be required.

"2. Paragraph 4 b (4) of Executive Order No. 8942 of November 19, 1941, is hereby revoked."

¹ See Appendix C, Footnote 3, p. 7.